

**REGULAR MEETING of the Burrillville Town Council held Wednesday, January 11, 2012 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main Street, Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson**

**MEMBERS ABSENT: Council President Binns noted that Councilor David J. Place had asked to be excused**

**1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.**

**2. VOTED to accept the minutes of the regular meeting held December 14, 2011 and dispense with the reading of said minutes.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**3. Public Comment**

#### **4. General Good and Welfare of the Town of Burrillville**

**Councilor Margaret L. Dudley announced the Friends of the Library Coffee House scheduled for January 20, 2012 at the Jesse M. Smith Memorial Library.**

**Councilor Margaret L. Dudley announced that the movie Exhumed was scheduled to be shown at The Assembly.**

**Councilor Edward J. Blanchard announced a hockey tournament scheduled for January 20 and 21, 2012 in recognition of the 75th Anniversary of Hockey in Burrillville.**

**Council President Nancy F. Binns congratulated Councilor Wallace F. Lees on his birthday.**

**Council President Nancy F. Binns announced the Zoë Young Fundraiser Dinner scheduled for January 21, 2012.**

#### **5. Petitions: None**

#### **6. Special Business:**

**12-001 VOTED to grant an annual Rubbish License to John Rambone, d/b/a Rambone Disposal Service Inc., 2153 R. Plainfield Pike,**

**Johnston to apply throughout the Town of Burrillville – one truck.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

## **7. 7777Public Hearing:**

**12-002 Application under RIGL Title 3 for a Class B license, limited to the sale of malt and vinous beverages containing not more than 20% alcohol by volume, from Monty's Victory Diner, 2731 Victory Highway, Harrisville (Assessor's Map 114, Lot 54).**

**NOTES: Notice of the Public Hearing was duly advertised in the Legal Section of the Woonsocket Call on December 28, 2011 and January 4, 2012. Notice was sent to all abutting property owners by certified mail, as required by law.**

**Issuance of licenses is subject to:**

**Obtaining a Certificate of Good Standing from the State Division of Taxation**

**Payment of taxes owed to the Town of Burrillville**

**Establishment being in compliance with all state and local building**

**and fire codes**

**Receipt of copy of certification from the Rhode Island Department of Health**

**Proof of Alcohol Server Training**

**Certificate of insurance in compliance with §8-28 of the Ordinances of the Town of Burrillville**

**A. Comments/Input/Recommendations by the Administration: None**

**B. The hearing of all interested parties in regard to the granting of this license. Note: Persons who wish to address the Town Council shall state their name and address.**

**Proponents:**

**The applicant, Marcel Fontenault of 540 Colwell Road, commented on the success of the diner, noting that if the license were granted he intended to serve beer during evening meals.**

**Mark Palmer, 99 Nasonville Road, an abutting property owner, spoke in support of the application.**

**Opponents: None**

**C. VOTED to close the public hearing.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

#### **D. Town Council Members Comments/Input/Deliberation**

**There were no questions. Councilors voiced support of all reasonable efforts to assist business.**

**E. VOTED to grant a Class B license, limited to the sale of malt and vinous beverages containing not more than 20% alcohol by volume, to Monty's Victory Diner, 2731 Victory Highway, Harrisville (Assessor's Map 114, Lot 54) providing that all stipulations are met.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**F. VOTED to adjourn the public hearing.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**8. Unfinished Business: None**

**9. New Business:**

**12-003 VOTED to open the correspondence from Councilor Margaret L. Dudley regarding her request that the Town Council discuss and act on the incentive opportunity program for management and non-union supervisory/support staff.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**Discussion: Councilor Margaret L. Dudley explained the incentive opportunity program, discussed the suspension of funding and recommended funding the program for the coming budget season.**

**MOTION that the Council reinstitute funding an incentive opportunity program for management and non-union supervisory/support staff.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.**

**There was discussion of the evaluation procedure spelled out in the classification plan, the 2012 bonus given to supervisory staff, and the demands upon and accomplishments of the department heads.**

**AMENDED MOTION to reinstate the incentive opportunity program with an amount not to exceed \$40,000.**

**Amended Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.**

**The vote on the motion, as amended, was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**12-004 VOTED to open consideration and action on a motion that the Town Council adopt budget dates for FY2013 budget public hearings and budget adoption.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**VOTED to adopt the budget dates as noted in the budget calendar for FY2013, as presented.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**NB: The dates adopted for the public hearing and budget adoption were as follows:**

**March 28, 2012 6:30 P.M. Public Hearing CIP Public Hearing  
adoption of CIP Budget**

**May 24, 2012 7:00 P.M. Public Hearing Municipal Budget**

**May 31, 2012 7:00 P.M. Public Hearing Municipal Budget**

**June 7, 2012 7:00 P.M. Additional Public Hearing, if necessary**



**June 13, 2012 7:00 P.M. Regular Meeting Budget Adoption**

**June 27, 2012 7:00 P.M. Regular Meeting Final budget adjustments,  
if necessary**

**12-005 VOTED to open the correspondence from Councilor Kevin D. Heitke regarding an appropriation to the TransCanada special account.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**Discussion: Councilor Kevin D. Heitke commented on the decision to value the TransCanada facility and the Town's need to represent itself efficiently in related proceedings.**

**VOTED allocate up to \$45,000 to the TransCanada special account; the source of these funds would be a transfer from the 2012 CIP funds from Public Works to Administration.**

**Motion by Councilor Kevin D. Heitke. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and**

**Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**12-006 VOTED to refer to the Conservation Board the correspondence from the Rhode Island Department of Environmental Management regarding Tree City USA.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**12-007 VOTED to open discussion of the correspondence from Louise R. Phaneuf, Town Clerk, regarding perpetual care of cemetery lots.**

**Motion by Councilor Kevin D. Heitke. Seconded by Councilor Edward J. Blanchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**VOTED to withdraw \$120.00 interest from the Burial Lots Fund with**

**the balance to be taken from the contingency fund.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The motion carried, five in favor. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor Wallace F. Lees recused. Councilor David J. Place was not present.**

#### **10. Town Clerk/Communication:**

**11-305 VOTED to receive and file an executed copy of the Direct Energy agreement authorized by the Town Council on December 14, 2011, with thanks.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**11-314 VOTED to open the correspondence from the Burrillville Conservation Commission regarding the DEM Notice relative to an application from Patrick T. Conley and Gail C. Conley requesting permission to alter freshwater wetlands near East Wallum Lake Rd**

**near the intersection of Stone Barn and East Wallum Lake Roads (Map 52/Lot 7).**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**Discussion: It was noted that the application had been received and filed at an earlier meeting. The responsibility of the Conservation Commission was reviewed.**

**VOTED to receive and file.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**12-008 Resolutions from the Charlestown Town Council relative to legislative amendments to the Rhode Island Low and Moderate Income Housing Act.**

**MOTION to refer to Representative Keable and Senator Fogarty for review.**

**Motion by Councilor Edward J. Blanchard. There was no second.**

**Discussion: The purpose of the proposed resolution was reviewed.**

**VOTED to receive and file.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Stephen N. Rawson. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

## **11. Additional New Business:**

**12-009 VOTED to grant the request for executive session from Town Council President Nancy F. Binns and Town Solicitor Timothy F. Kane, pursuant to Rhode Island Open Meeting Law [§42-46-5 (a)(1)] relative to job performance in relation to contract discussions with Michael C. Wood, Town Manager; and [§42-46-5 (a)(2)] relative to discussion and action related to pending litigation: T Fuoco Jr Paving and Excavation Inc.**

**Note: Michael C. Wood was duly notified in advance in writing of this request for Executive Session; he was notified and advised that he could require that the discussion be held at an open meeting.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Edward J. Blanchard. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**There was a brief recess before executive session.**

**The Town Council returned to open session at 7:44 P.M.**

**VOTED to seal the minutes of executive session noting that no votes had been taken.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**12. Additional Unfinished Business:**

**11-319 Consider and act on an employment agreement between the Burrillville Town Council and Michael C. Wood.**

**VOTED to adopt the contract.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**VOTED to authorize Council President Binns to enter into contract with Manager Wood.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**13. VOTED to adjourn at 7:45 P.M.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous by the six members**

**present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place was not present.**

**The meeting was recorded.**

**Louise R. Phaneuf, Town Clerk**